

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ZOLTAN HIRSCH,

Plaintiff,

- against -

MR. PHIL'S PIZZA, INC., d/b/a  
MISTER PHIL'S PIZZA, and FELICE  
CARUCCI, an Individual, and JULIA  
CARUCCI, an Individual

Defendants.  
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**TOWNES, United States District Judge:**

**MEMORANDUM & ORDER**

11-cv-484 (SLT) (CLP)

On January 31, 2011, Zoltan Hirsch ("Plaintiff") filed the instant action against Defendants Mr. Phil's Pizza, Inc., Felice Carucci, and Julia Carucci (collectively, "Defendants") alleging, *inter alia*, violations of the Americans with Disabilities Act. On July 13, 2011, after Defendants failed to appear or respond, Plaintiff moved for an entry of default. After the Clerk of Court entered notations of default against Defendants, this Court referred the motions for default judgment to Magistrate Judge Joan M. Azrack for a Report and Recommendation ("R&R"). Judge Azrack issued her R&R on July 19, 2012, recommending that this Court deny Plaintiff's motions for default judgment in their entirety with prejudice. The R&R advised that any objections needed to be filed within fourteen days of receipt of the R&R.

To date, there are no objections to the R&R. A district court is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections may waive the right to appeal this Court's Order. *See 28 U.S.C. § 636(b)(1); Small v. Sec'y of Health & Human Servs.*, 892 F.2d 15, 16 (2d

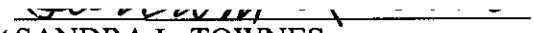
Cir. 1989). The Court therefore adopts the R&R in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

### **CONCLUSION**

For the reasons stated above, Judge Azrack's Report and Recommendation dated July 19, 2012 [D.E. 31] is adopted in its entirety. Plaintiff's motion for default judgment is denied with prejudice. The Clerk of Court is respectfully directed to close this case.

**SO ORDERED.**

s/ SLT

  
SANDRA L. TOWNES  
United States District Judge

Dated: August 9, 2012  
Brooklyn, New York